

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MICHAEL BUXBAUM,

Plaintiff,

-against-

ERIC GOLDSMITH,

Defendant.  
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25-CV-527 (JPC) (OTW)

**ORDER**

**ONA T. WANG, United States Magistrate Judge:**

The Court is in receipt of ECF Nos. 18 and 20.

To the extent that Plaintiff requests that the amended complaint filed on April 28, 2025, (ECF 16) be deemed the operative complaint in this action his request is **GRANTED**.

Defendant's request to adjourn briefing for Plaintiff's purported motion for summary judgment, without date, is **GRANTED**. *See Elliott v. Cartagena*, 84 F.4th 481, 493 (2d Cir. 2023) ("Where the nonmoving party has not had any opportunity for discovery, summary judgment is generally premature.") (emphasis in original).

The following briefing schedule will apply to Defendant's anticipated motion to dismiss:

- Defendant's motion to dismiss is due **Thursday, June 5, 2025**.
- Plaintiff's opposition is due **Tuesday, July 8, 2025**.
- Defendant's reply is due **Tuesday, July 29, 2025**.

The Clerk of Court is respectfully directed to serve a copy of this order and a copy of the Docket on *pro se* Plaintiff.

The Clerk of Court is respectfully directed to close ECF 20.

**SO ORDERED.**

Dated: May 2, 2025  
New York, New York

/s/ Ona T. Wang  
**Ona T. Wang**  
United States Magistrate Judge